IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5500 of 1988

with

SPECIAL CIVIL APPLICATION No 9793/1994, 7802/1988, 6817/1999, 8086/1991, 8088/1991, 8963/1991, 4739/1992, 14097/1993, 3174/1994, & 3175/1994

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ARCH

Versus

GOVT. OF GUJARAT

Appearance:
MR KS JHAVERI, MR AJ YAGNIK for GIRISH PATEL ASSOCIATES,
MR SHAILESH C PARIKH, for respective Petitioners

MR AD OZA, GP for Respondent-State

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE D.A.MEHTA

Date of decision: 21/02/2002

ORAL JUDGEMENT

(Per : CHIEF JUSTICE MR DM DHARMADHIKARI)

#. These petitions were filed in public interest, particularly in the interest of tribals cultivating the lands falling in the forest areas. In some of the cognate matters, the Division Bench made certain directions to the Government and disposed of the cases on 4.9.97. A copy of the order passed in Special Civil Application No.3958 of 1998 and cognate matters decided on 4.9.97 is placed before us which contains the following directions:

> ".....The respondent authorities shall decide the question raised by the tribals in relation to encroachment on forest land, in accordance with Government Resolutions including Resolution dated 5th October, 1992. The parties have agreed that similar directions be given in these matters also.
>
> It was submitted that after issuance of Government Resolution dated 5th October, 1992, various Non-Governmental Organizations (NGOs) working in the field have made representations to the Government, making many suggestions for improvement and amendment. It is also submitted that the implementation of these Resolutions have also created many problems and difficulties, particularly with regard to the proof of cultivation by the tribals. Two such representations by the NGOs (Eklavya and ARCH Vahini) are produced no record.
>
> It is, therefore, directed that the respondent authorities shall consider these representations and suggestions and in consultation with this kind of voluntary organizations, take a decision on these representations. The petitioners to make fresh representation on or before 31st December, 1997.
>
> The petition is accordingly disposed of. Rule is made absolute to the above extent with no order as to costs."

#. The learned counsel appearing for the parties are in agreement that the present matters are cognate ones and these matters ought to have been disposed of along with Special Civil Application No.3958 of 1988. They also have no objection in case these matters are now disposed of in terms of the order dated 4.9.97 referred to hereinabove. Accordingly, on the same terms and with the same directions, these petitions are disposed of. Rule is made absolute in aforesaid terms. No order as to costs.

(D.M.Dharmadhikari, C.J.)

(D.A.Mehta, J.)

(sunil)